

REMARKS

Claims 34-39 and 50 are pending in this application. Claims 34-39 and 50 have been rejected in the Office Action dated January 17, 2006. Claims 34, 37 and 50 are amended in this response. In particular, the term of "evaluation result" in previously pending claims 34, 37 and 50 are change to "evaluation value". No new matter has been added by this amendment.

35 USC § 103 rejection

The present invention as set forth in independent claim 34 claims

“An information processing system capable of sending electronic contents between a buyer-side apparatus and seller-side apparatus via a network, comprising:

first sending means for sending a software program for evaluating the electronic contents to said seller-side apparatus;

first receiving means for receiving an evaluation value evaluated by the evaluating program sent from said seller-side apparatus;

second sending means for sending apparatus the received evaluation value to said buyer-side apparatus;

second receiving means for receiving condition of purchase sent from said buyer-side apparatus;

third sending means for sending the received condition of purchase to said seller-side apparatus;

third receiving means for receiving the electronic contents sent from said seller-side apparatus in response to the reception of the condition of purchase; and

fourth sending means for sending the received electronic contents to said buyer-side apparatus.”

Claim 34 is characterized in that a buyer-side apparatus sends a software program for evaluating the electronic contents to a seller-side apparatus, the seller-side apparatus evaluates the contents with the software program and sends an evaluation value as an evaluated result (e.g. score) to the buyer-side apparatus. Such an evaluation value represents an evaluated result, and is only used as an evaluated result. However, the evaluation value is not used itself, because the value only represents a numerical value.

In contrast, Oglivie (USP No.6,343,738) discloses that a sample of contents is created. This sample is useful itself, and is basically different from the evaluation value of the present invention. That is, in Oglivie, a sample is created, but the sample does not represent an evaluation value.

Independent claims 37 and 50 are patentably distinguishable from Oglivie for similar reasons. Therefore, dependent claims which depend directly or indirectly from claims 34, 37 and 50 are patentable for similar reasons.

Accordingly, the claimed invention is not obvious over Oglivie, and should be allowable.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-4730. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1232-4730. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 11, 2006

By: _____

Ping Gu
Ping Gu
Registration No. L0040

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile